



**HOUSE COMMITTEE ON UNMANNED AIRCRAFT SYSTEMS (LRC)  
(2013)  
February 17, 2014  
Room 544**

The House Committee on Unmanned Aircraft Systems (LRC) (2013) met on Monday, February 17, at 1:00 p.m. The meeting was held in Room 544. Members present were: Representatives John Faircloth, Carl Ford, Jim Fulghum, M.D., Mitchell Setzer, Michael Speciale, Joe Tolson, John Torbett, and Chris Whitmire.

Representative Torbett presided. Representative Torbett made mention that Barry Summers from Asheville had requested the meeting be held in 544 to have audio feed available and explained that the audible rooms were requested to be held for oversight committee meetings and this room happened to be available for this meeting.

A presentation was given by NC Association Chiefs of Police, Chief Brandon Zuidema, Garner Police Department. We absolutely acknowledge that there is legitimate shared concern on behalf of government, law enforcement, various concerned citizen groups, all on the issue of unmanned aircraft systems. We recognize that person privacy and adherence to the 4<sup>th</sup> amendment are critical issues in today's society and have been for some time. At the same time we would like to urge caution in not legislating a solution to a problem that does not yet exist and we would like to recommend instead allowing research to continue and discussion to continue as has been going on with the work group and in other arenas and venues. As you, I hope are aware, there is currently no proposed or planned use of unmanned aircraft systems in North Carolina by any of our organizations and there is still considerable work to be done in determining what role these unmanned aircraft systems may play, not only in criminal investigations, but also in public safety issues, and perhaps how their use will or will not impact legal concepts such as plain view, open fields, and other concepts that will impact the 4<sup>th</sup> amendment of the United States Constitution. It is also important to keep in mind, this is not just an issue about unmanned aircraft systems and their role in criminal investigations, but also other roles such as search and rescue and other related public safety issues. Unmanned aircraft systems, like other advances in technology have the potential to significantly expand the capabilities of many law enforcement and other related agencies, that as we all know, are facing limited and in some cases shrinking resources in today's day. History has shown us that the courts are typically the forum that is most appropriate for making these types of legal determinations and interpretations, particularly the 4<sup>th</sup> amendment issues that I think raise the most significant concern on this issue. We offer that we, in fact, have existing legislation in North Carolina and case law that addresses a number of the concerns that are noted about the use of unmanned aircraft systems related to search and seizure and person privacy. We also need to be sure that any ambiguity with existing legislation is considered. The



North Carolina Association of Chiefs of Police would ask that any action on this proposed legislation be deferred. We believe, at this point, that premature and overly restrictive regulation might, in fact, prevent valuable and legitimate uses of unmanned aircraft systems, as this technology evolves. We would ask to be included in the continuing dialogue on the issue and we certainly greatly appreciate the opportunity to participate in this discussion today and going forward.

A presentation was given by the State Highway Patrol, Sergeant M.A. "Mat" Tribula, Unit Commander/Chief Pilot, Aircraft Operations. We have two hangars and six aircraft that respond across the state. The issue of UAS systems in North Carolina is a bit premature. We are studying the impact on our operations and law enforcement as a whole. As a pilot, there is currently no device or system spread across the UAS spectrum that can alert a piloted aircraft of its presence. These are concerns for our aircraft, National Guard, and EMS helicopters. In North Carolina there are 239 registered rotorcraft. A collision with one of these devices would be catastrophic for our aircraft or the aircraft carrying a loved one to a medical facility. We believe that further study needs to be implemented into avoiding these aircraft. We also have concern with how a loose interpretation of a case may or the 4<sup>th</sup> amendment to the United States Constitution and someone's desire to take the cost efficient way out of a situation may help build cases that would subsequently have a judicial ruling down the road that will prohibit the use of these down the road. We believe it is a good tool and a tool to be used. We are not there, at this time, with the technology. We think of these instruments similar to radar devices or intoxilizer devices, that they are an instrument for use in work and that certain certifications and requirements be made before practitioners use these devices. Representative Faircloth commented that I think we do have a situation where small unmanned some might call large model planes are being flown. Has there been any problem with helicopters coming in contact with any of those civilian type radio controlled aircraft that you know of. No sir, through the recreational side of the house there are certain restrictions put in place for insurance purposes, where they have to be over 5 miles away from an airfield or flown below 400 feet above the ground level. I have been in the area and I have seen these models at a distance, but I know where those fields were and I know where to be looking for them. The biggest case right now is in Connecticut and they are investigating a collision on an interstate, and while they were working a scene and gathering evidence, a UAV appears overhead. This UAV was operated by a photojournalist seeking to get information to sell to attorneys down the road for civil procedures that may go on. This was an unregulated UAV and the FAA took appropriate action. Representative Faircloth asked you are not taking the position that the piloted aircraft prefer that there not be unmanned aircraft at all, are you? No sir. I'm just saying that there is not a current way for me to detect that aircraft with an instrument onboard my aircraft. Under the COA process that we spoke of last time during the meeting, I know where Mr. Snyder's UAVs are. The COA process may help solve this problem. Representative Fulghum commented I was wondering when you were mentioning the transponder device that you have on your aircraft could pick these up, because there is no signal being sent from these unmanned aircraft. In the process of rulemaking, would there be contemplated requirement that these unmanned aircraft have similar generators of some type on board as a condition and what good would it do if in an emergency situation, were there no flight plans filed, it would make it even much more of a



requirement, because you are not looking for things then? There is technology there to do that. To my knowledge with the next generation of airspace, there is nothing at this time. Representative Speciale commented I know there are restrictions on commercial use, but is law enforcement at all? No sir. Representative Faircloth commented are you aware if whether in the military, the unmanned aircraft they use has a transponder? A lot of those, it's almost an apples and oranges comparison, the UASs that we are discussing are pretty much line of sight and have an operator on scene, where the military ones use satellite uplinks.

Representative Torbett commented he had asked staff to resubmit to members a list of what other states have been doing as far as regulating the use of unmanned air systems in their state. So if you would, this is the second of four meetings, which means the third meeting, we really got to start putting this stuff in a box and buttoning it up. So if you have any thoughts or concerns or issues, if you would please get them to Chairman Setzer and myself, we will have those in the hopper and on queue for the third meeting, as like I say we begin to do the final report. I also would just like to draw us back to the first meeting. We did mention about other states law. We also talked about laws that are currently on the books in North Carolina that may react with the use of unmanned air systems. So I'd like to ask staff that as we discussed at that time if there were specific laws, we need to get those down and if there is a feeling from staff to present to the committee laws that currently don't have UAS or UAV language in them that you feel might need specific UAV language to be incorporated,

A presentation was given by Data Management and Archiving, Jason Barton, KSI Video. (Please see attached and on committee website). Representative Fulghum questioned how the CCPV regulations translate to what is going to happen in the air. There is a huge data set there, is there any correlation? There is quite a bit of correlation; we are working with a prison system now that has that exact problem. They are trying to fuse their CCPV system with unmanned aircraft and they have some regulations there on what they are allowed to do and how they are allowed to do it and they translate really well. The problem is, on the legislation side, people panic. They think this is a totally new thing and we need to tighten it down, a little bit too much. So, I am a big fan of, let's look at what the CCPV regulations are. Let's look at what the manned aircraft regulations are and let's see what applies and it is a shocking amount of legislation that applies and it is the same thing. It is a camera, it just happens to not have somebody holding it.

Representative Torbett commented, I remind the committee members that one of the most fascinating things looking into this was the first thing we thought about going to look at is regulations in regard to manned flights with the television cameras adapted to police helicopters or TV helicopters, only to find there were none. I thought that was absolutely fascinating that there were no regulations specifically addressing the use of sensing devices on police helicopters or TV helicopters and everybody was really looking at the unmanned system, when the only difference is that one has a body in it and one doesn't. I would like to also draw your attention to the website where we have a letter that was sent in on behalf of Sheriff John Ingram, V, Sheriff of Brunswick County. It appears that it presents itself as supportive. I would like to mention that we are going into our third meeting at the next meeting. If you have any ideas, suggestions, or things you want to see in the final report, that that final report will begin, probably already has



and we'll start buttoning it up at the next meeting and then the fourth meeting we have will be the adoption of that report. It was then asked if anyone from the general public would like to speak.

Barry Summers, Asheville, addressed the committee, I'd like to thank you for moving this into a room where it more accessible to the public, because I think, as everyone recognizes and says, that this is a very complicated issue that is going to have far reaching implications for a long time in this state and across the country. I would ask if there is more awareness or more discussion among this committee process of how your process could be completely erased or changed or affected by the national discussion or national legislation that may be coming. I'm becoming more aware of the fact that the US military has a very strong program and intention to see military grade UAVs, drones, allowed in airspace all over the United States and what you choose to regulate, if you choose to put fairly restrictive regulations on this technology, if that conflicts with the intention to open up the skies to military grade hardware, what happens in that event? This is just one question that I have. The law enforcement and 4<sup>th</sup> amendment issues, I haven't heard discussed in any great detail. If you are planning to put forth legislation on such a huge complicated impactful issue, I haven't heard those sorts of issues addressed and I think this is moving pretty quickly on a very serious issue.

Representative Torbett commented that what we are trying to do is that we all understand this is a very large final outcome and this is just the beginning of it. What we're trying to do is not eliminate North Carolina from having the opportunity to grow within this genre, as it were, economically. Therefore the state has set up a test area or three where we can go and work within the framework that FAA dictates and try to develop synergy around this new economic engine which, inevitably is coming, can't give you a date and time specific. Leading into this committee both Chairman Setzer and myself's primary concern was the security, privacy, and safety of the general public. Understanding that there weren't, at least to my knowledge, laws that specifically addressed unmanned air systems, we started looking deeper into the project or into the possibility of changing those laws or adding or modifying those laws to incorporate use of unmanned air vehicles. That's pretty much what this committee is constructed to do. The FAA, I assure you, has let the state of North Carolina know that they do own the air. So their guidance, based on what that is, will be limited as to what North Carolina can do. But that is only based on what language is the final outcome from the FAA. Their concern is pretty much is more along the safety than it is privacy. The state is trying to take a look from the privacy aspect and not impede the ability to use these systems to further economic growth within the state of North Carolina and to assist citizens from the safety, we've heard about rescue, search and find. The first one that finds the Boy Scout lost in the woods of western North Carolina that would shine a favorable light on the use of an unmanned air system. It's that type of uses that we hope to ensure that we can use and just we don't put anything out of that framework. That probably sounds like a real political answer, but we just don't want to take away from being able to use, through testing, through evaluations and the FAA will let us all know at some point in time the commercialization part of it. That's a lot of words and not much said.



Representative Whitmire commented, you know today, we have heard one individual allude to proper use and that is a very key concern of the committee. Testing the framework, we also heard concerns about midair collisions. When we think about the context of the UAV, we think about something as small as a model or we can go to terms like Predator and something that is a significant sized aircraft that have many purposes. The FAA and all the pieces and parts that go into testing, into that framework of seeing what's safe for the public. They are not going to let anybody speed on any safety measures, so I don't see that concern about mid air too much of a worry. It's a significant issue, but it is in the confines of a framework that just simply won't allow a process to get ahead of where it needs to be. I've got 4000 plus hours in military and commercial airline flying. I think the key thing, that me as a member of this committee-privacy, safety issues, absolutely, but the efficiencies, the capabilities, almost in some ways, revolutions, in a way that things can be done at a much more cost effective manner, is the motivation for carrying the football down the field and not just getting close, but scoring on this. There are a lot of efficiencies, whether it's, this wasn't in North Carolina, but North Carolina did it back in December, pulled a guy off the side of a mountain in Greene County Tennessee, because their manned rotary aircraft were weathered in with an ice storm and they simply could not have made the rescue, but be had the weather, because the front hadn't come through, that's just one small example, but that's a life saved and there is many, many examples of search and rescue, emergency response type items efficiencies, we mentioned forestry, so let's let that be our motivation as we go forward that there is a lot of good as long as there is proper safety and privacy.

Representative Torbett commented, there is another critical point I want to address that is kind of a thorn in my side about this. Barry, this may address some of your concerns as well. Society, for whatever reason, in my opinion, has delegated itself to more often than not, punish all for the sins of a few. One of my biggest fears is that there will be some individual out there that chooses to operate one of these unlawfully. So we've got the make sure is that we have the laws and punishments in place, should someone choose to do that, to the point where hopefully, it minimizes someone's want or desire to fly these vehicles unlawfully. We talk about avoiding midair collisions. There is, right now, an opportunity, for someone to fly one of these smaller vehicles, unlawfully, and it conflict with a manned airplane. So that is a deep concern of mine and we have to make sure we have laws in place to the point that people, after seeing the consequences, just will not choose to follow that.

Representative Speciale commented that he wanted to assure everyone sitting out there that the folks on this committee have the same concerns that you do and that is why we are on this committee. There are constitutional laws where businessmen or there are those things where there are going to be concerns about, that this is going to be a huge industry in this country over the next few years. I don't think we have to worry as much about what the Predators and the larger ones, I think we have to worry more about the small ones, they are getting smaller and smaller and easier to conceal. If you have a military aircraft going over you, you generally know it's there and you can react accordingly, but some of these small ones, technology is making them smaller and smaller and they'll get to the point where they'll be in the area and if we don't



control it and we have to be concerned about our privacy, our freedom, our liberty and none of that is going to get by the wayside, I can promise you.

Susan Sitze, staff attorney, commented to remind the committee that because this is an LRC, the draft report must be prepared and submitted to the committee prior to the fourth meeting, so if you have anything that you want to hear from in this committee, it needs to be done at the next meeting and by the end of the next meeting we need to have an idea what you want in that report. Please let staff or chairs know.

There being no further business, the meeting adjourned at 2:00 p.m.

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Representative John Torbett  
Presiding

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Viddia Torbett, Committee Clerk